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Air Pollution Regulations in State Implementation Plans: California, Northern Sonoma County

Abcor, Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans:

California

Northern Sonoma County

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California

Northern Sonoma County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-24

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET OF
EPA-APPROVED REGULATION CHANGES
NORTHERN SONOMA COUNTY

Submittal Date

6/30/72

Approval Date

9/22/72

Description

Rules all approved

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
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NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

REGULATION NO. 1 - DEFINITIONS

(1.0) Rule 1. Definitions

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, words used in these Rules and Regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

- (a) AGRICULTURAL OPERATIONS: The growing and harvesting of crops, or the raising of fowls, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habit.
- (b) AIR CONTAMINANT: Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.
- (c) ALTERATION: Any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or effect the kind or amount of air contaminant emitted.
- (d) ATMOSPHERE: The air that envelopes or surrounds the earth.
- (e) BOARD: The Air Pollution Control Board of the Northern Sonoma County Air Pollution Control District.
- (f) COMBUSTIBLE OR FLAMMABLE SOLID WASTE: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in solid form.
- (g) COMBUSTION CONTAMINANTS: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.
- (h) CONDENSED FUMES: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.
- (i) CONTROL OFFICER: The Air Pollution Control Officer of the Northern Sonoma County Air Pollution Control District.

- (j) DUST: Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- (k) EMISSION: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
- (l) EMISSION POINT: The place, located in a horizontal plane and vertical elevation at which an emission enters the atmosphere.
- (m) FLUE: Means any duct or passage for air, gases or the like, such as a stack or chimney.
- (n) HEARING BOARD: The appellate review board of the Northern Sonoma County Air Pollution Control District as provided for in the Health and Safety Code of the State of California.
- (o) HOUSEHOLD RUBBISH: Means waste material and trash, including garden trash and prunings, normally accumulated by a family in a residence in the course of ordinary day-to-day living.
- (p) GASOLINE: Any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.
- (q) INSTALLATION: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- (r) OPEN OUTDOOR FIRE: Any combustion of solid or liquid waste outdoors in the open, where the products of combustion are not directed through a flue.
- (s) OPERATION: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- (t) ORCHARD, VINEYARD, OR CITRUS GROVE HEATER: Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- (u) OWNER: Includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

- (v) PARTICULATE MATTER: Discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.
- (w) PERSON OR PERSONS: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.
- (x) PPM: Parts per million by volume expressed on a dry gas basis.
- (y) PROCESS WEIGHT PER HOUR: The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- (z) SECTION: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
- (aa) STANDARD CONDITIONS: As used in these regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.
- (bb) STANDARD CUBIC FOOT OF GAS: The amount of gas that would occupy a volume of one (1) cubic foot, if free of combined water, at standard conditions.
- (cc) MULTIPLE-CHAMBER INCINERATOR: "Multiple-chamber incinerator" is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage parts or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric core equivalent to at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
- (dd) TOTAL REDUCED SULFUR (TRS): "TRS" means total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist, or naturally occurring hydrogen sulfide released as a result of geothermal operations, are not to be included in the determination of TRS.

- (ee) NON-CONDENSIBLES: "Non-Condensibles" means the TRS portion of any gases and vapors released in a kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks and multiple effect evaporator condensers.
- (ff) SUNSET: Means the time of civil sunset at San Francisco.

REGULATION NO. 2 - PERMITS

(3.0) Rule 10. Permits Required

- (a) AUTHORITY TO CONSTRUCT: Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization of such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.
- (b) PERMIT TO OPERATE: Before any article, machine, equipment or other contrivance described in Rule 10(a) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a), constructed or installed without authorization as required by Rule 10(a), until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 17 and elsewhere in these Rules and Regulations.
- (c) POSTING OF PERMIT TO OPERATE: A person who has been granted under Rule 10 a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b) shall firmly affix such permit to operate, an approved facsimile or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

- (d) A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

(2.0) Rule 11. Exemptions

An authority to construct or a permit to operate shall not be required for:

- (a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
- (b) Vehicles used to transport passengers or freight.
- (c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- (d) The following equipment:
 - 1. Comfort air-conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
 - 2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 - 3. Piston type internal combustion engines.
 - 4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 5. Equipment used exclusively for steam cleaning.
 - 6. Presses used exclusively for extruding metals, minerals, plastics or wood.
 - 7. Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens.
 - 8. Presses used for the curing of rubber products and plastic products.
 - 9. Equipment used exclusively for space heating, other than boilers.

10. Equipment used for hydraulic or hydrostatic testing.
11. All sheet-fed printing presses; and all other printing presses without driers.
12. Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:
 - a. Sulfuric acid with an acid strength of 99 per cent or less by weight.
 - b. Phosphoric acid with an acid strength of 99 per cent or less by weight.
 - c. Nitric acid with an acid strength of 70 per cent or less by weight.
13. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold, or for the softening or annealing of plastics.
14. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.
15. Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form.
16. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.
17. Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
18. Equipment used exclusively for bonding lining to brake shoes.
19. Lint traps used exclusively in conjunction with dry cleaning tumblers.
20. Equipment used in eating establishments for the purpose of preparing food for human consumption.
21. Equipment used exclusively to compress or hold dry natural gas.
22. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
23. Shell core and shell-mold manufacturing machines.

24. Molds used for the casting of metals.
 25. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.
 26. Batch mixers of 5 cubic feet rated working capacity or less.
 27. Equipment used exclusively for the packaging of lubricants or greases.
 28. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
 29. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.
 30. Equipment used exclusively for conveying and storing plastic pellets.
 31. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.
 32. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.
 33. Platen presses used for laminating.
- (e) The following equipment or any exhaust system or collector serving exclusively such equipment:
1. Blast cleaning equipment using a suspension of abrasive in water.
 2. Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.
 3. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.
 4. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.
 5. Equipment used for inspection of metal products.
 6. Confection cookers where the products are edible and intended for human consumption.
 7. Equipment used exclusively for forging, pressing, rolling or

drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

8. Die casting machines.
9. Atmosphere generators used in connection with metal heat treating processes.
10. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
11. Brazing, soldering or welding equipment.
12. Equipment used exclusively for the sintering of glass or metals.
13. Equipment used for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.
14. Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.
15. Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.
16. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.
17. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.
18. Foundry sand mold forming equipment to which no heat is applied.
19. Ovens used exclusively for curing potting materials or castings made with epoxy resins.
20. Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.
21. Equipment used for compression molding and injection molding of plastics.

22. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
 23. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.
 24. Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee.
 25. Roll mills or calenders for rubber or plastics where no organic solvents, diluents or thinners are used.
 26. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempted by Rule 11.
- (f) Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fired exclusively with one of the following:
1. Natural gas.
 2. Liquefied petroleum gas.
 3. A combination of natural gas and liquefied petroleum gas.
- (g) Natural draft hoods, natural draft stacks or natural draft ventilators.
- (h) Containers, reservoirs, or tanks used exclusively for:
1. Dipping operations for coating objects with oils, waxes or greases where no organic solvents, diluents or thinners are used.
 2. Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.
 3. Storage of liquefied gases.
 4. Unheated storage of organic materials with an initial boiling point of 300 degrees F. or greater.
 5. The storage of fuel oils with a gravity of 25 degrees API or lower.
 6. The storage of lubricating oils.
 7. The storage of fuel oils with a gravity of 40 degrees API or lower and having a capacity of 10,000 gallons or less.

8. The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.
 9. The storage of liquid soaps, liquid detergents, vegetable oils, waxes or wax emulsions.
 10. The storage of asphalt.
 11. Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 100 gallons capacity or less.
 12. The storage of gasoline having a capacity of less than 250 gallons.
 13. Transporting materials on streets or highways.
- (i) Equipment used exclusively for heat treating glass or metals, or used exclusively for case hardening, carburizing, cyaniding, nitriding, siliconizing or diffusion treating of metal objects.
- (j) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:
1. Aluminum or any alloy containing over 50 per cent aluminum.
 2. Magnesium or any alloy containing over 50 per cent magnesium.
 3. Lead or any alloy containing over 50 per cent lead.
 4. Tin or any alloy containing over 50 per cent tin.
 5. Zinc or any alloy containing over 50 per cent zinc.
 6. Copper.
 7. Precious metals.
- (k) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
- (l) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

- (m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- (n) Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate had previously been granted for such equipment under Rule 10.

(2.0) Rule 12. Transfer

An authority to construct or permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) Rule 13. Applications

Every application for an authority to construct, or permit to operate, required under Rule 10 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 17 hereof.

(3.0) Rule 14. Cancellation of Applications

- (a) An Authority to construct shall expire and the application shall be canceled two years from the date of issuance of the authority to construct.
- (b) An application for permit to operate existing equipment shall be canceled two years from the date of filing of the application.

(3.0) Rule 15. Action On Applications

The Air Pollution Control Officer shall act, within a reasonable time, on an application for authority to construct, or permit to operate, and shall notify the applicant in writing of his approval, conditional approval or denial.

(9.0) Rule 16. Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

(3.0) Rule 17. Standards for Granting Applications

- (a) The Air Pollution Control Officer shall deny an authority to construct, or permit to operate, except as provided in Rule 18, if

the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

- (b) Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- (c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

(2.0) Rule 18 Conditional Approval

- (a) The Air Pollution Control Officer may issue an authority to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 17, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that

the article, machine, equipment or other contrivance can operate within the standards of Rule 17 under the revised conditions,

(3.0) Rule 19. Denial of Applications

In the event of denial of an authority to construct, or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct, or the permit to operate.

(2.0) Rule 20. Further Information

Before acting on an application for authority to construct, or permit to operate, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) Rule 21. Applications Deemed Denied

The applicant may at his option deem the authority to construct, or permit to operate, denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Rule 22. Appeals

Within 10 days after notice by the Air Pollution Control Officer, of denial or conditional approval of an authority to construct, permit to operate, the applicant may petition the Hearing Board in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(3.0) Rule 40. Permit Fees

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by the State law or the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of \$ _____. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason

of transfer from one person to another, and where a permit to operate had previously been granted under Rule 10, and no alteration, addition or transfer of location has been made, the applicant shall pay only a \$_____ filing fee.

Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files an application with the Air Pollution Control Officer, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

If an application for an authority to construct or a permit to operate is canceled, or if an authority to construct or a permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

Where an application is filed for a permit to operate any vehicle, machine, equipment or other contrivance by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 10 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only a filing fee of \$_____.

Where an application is filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 10 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such ratings, the applicant shall pay only the amount of the filing fee required herein.

After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the Rules and Regulations

have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such a fee shall not be charged for a permit to operate granted by the Hearing Board for the duration of a variance.

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of \$_____ shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any article, machine, equipment, or other contrivance where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

HORSEPOWER	FEE
(a) up to and including 2½.....	\$.00
(b) greater than 2½ but less than	.00
(c) 5 or greater but less than 15.....	.00
(d) 15 or greater but less than 45.....	.00
(e) 45 or greater but less than 65.....	.00
(f) 65 or greater but less than 125.....	.00

(g)	125 or greater but less than 200.....	\$	.00
(h)	200 or greater.....		.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

1000 BRITISH THERMAL UNITS PER HOUR		FEE	
(a)	up to and including 150.....	\$	.00
(b)	greater than 150 but less than 400.....		.00
(c)	400 or greater but less than 650.....		.00
(d)	650 or greater but less than 1500.....		.00
(e)	1500 or greater but less than 2500.....		.00
(f)	2500 or greater but less than 5000.....		.00
(g)	5000 or greater but less than 15000.....		.00
(h)	15000 or greater.....		.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment or other contrivance which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

KILOVOLT AMPERE		FEE	
(a)	up to and including 20.....	\$	.00
(b)	greater than 20 but less than 40.....		.00
(c)	40 or greater but less than 145.....		.00
(d)	145 or greater but less than 450.....		.00
(e)	450 or greater but less than 1450.....		.00
(f)	1450 or greater but less than 14500.....		.00
(g)	14500 or greater but less than 45000.....		.00
(h)	45000 or greater.....		.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

AREA, IN SQUARE FEET	FEE
(a) up to and including 3.....	\$.00
(b) greater than 3 but less than 4.....	.00
(c) 4 or greater but less than 7.....	.00
(d) 7 or greater but less than 10.....	.00
(e) 10 or greater but less than 15.....	.00
(f) 15 or greater but less than 23.....	.00
(g) 23 or greater but less than 40.....	.00
(h) 40 or greater.....	.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

GALLONS	FEE
(a) up to and including 4000.....	\$.00
(b) greater than 4000 but less than 10000.....	.00
(c) 10000 or greater but less than 40000.....	.00
(d) 40000 or greater but less than 100000.....	.00
(e) 100000 or greater but less than 400000.....	.00
(f) 400000 or greater but less than 1000000...	.00
(g) 1000000 or greater but less than 4000000..	.00
(h) 4000000 or greater.....	.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which is not included in the preceding schedules shall be assessed a permit fee of \$_____.

(16.0) Rule 41. Hearing Board Fees

- (a) Every applicant or petitioner for variance, or for the extension, revocation, or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct or permit to operate, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of \$ _____. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code, or Rule 22 of these Rules and Regulations, exceeds \$ _____ per petition.
- (b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.
- (c) This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) Rule 42. Analysis Fees

(9.0)

Whenever the Air Pollution Control Officer finds that an analysis of the Emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel approved by the Air Pollution Control Officer. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) Rule 43. Technical Reports - Charges For

Information, circulars, reports of technical work, and other reprints prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

REGULATION NO. 4 - PROHIBITIONS

(50.1.2) Rule 50. Ringelmann Chart

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:

- (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule.

(2.0) Rule 51. Exceptions

The provisions of Rule 50 do not apply to:

- (a) Smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - 2. The instruction of public employees in the methods of fighting fire.
- (b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- (c) Agricultural operations in the growing of crops, or raising of fowls or animals, forest management, or range improvement, or in the improvement of land for wildlife and game habitat.
- (d) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
- (e) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.
- (f) Dust and particulate matter released incident to completing and cleaning out a geothermal well and placing it on production.

(50.7) Rule 52. Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(50.1) Rule 53. Particulate Matter - Concentration

A person shall not discharge into the atmosphere from any source particulate matter in excess of the concentration shown in the following table: (see Rule 53 Table).

Where the volume discharged falls between figures listed in the table, the exact concentration permitted to be discharged shall be determined by linear interpolation.

The provisions of this rule shall not apply to emissions resulting from the combustion of liquid or gaseous fuels in steam generators or gas turbines, or from clean-out and completing of steam wells, provided such particulate matter, in excess of the levels allowed in this rule, remains confined to the property of the owner of such steam wells.

For the purposes of this rule "particulate matter" includes any material which would become particulate matter if cooled to standard conditions.

TABLE & RULE 53 - GRAIN LOADING
MINIMUM CONCENTRATION TO BE REQUIRED

Source Gas Volume, SCFM	Concentration GR/SCF	Source Gas Volume, SCFM	Concentration GR/SCF
7,000	0.100	140,000	0.038
or less		160,000	0.036
8,000	0.096	180,000	0.035
9,000	0.092		
10,000	0.039	200,000	0.034
20,000	0.071	300,000	0.030
30,000	0.062	400,000	0.027
40,000	0.057	500,000	0.025
50,000	0.053	600,000	0.024
60,000	0.050	800,000	0.021
80,000	0.045	1,000,000	0.020
100,000	0.042	or more	
120,000	0.040		

(50.1.1) Rule 54. Particulate Matter - Process Weight Rate

A person shall not discharge into the atmosphere from any source solid particulate matter, including lead and lead compounds, in excess of the rate shown in the following table(See Rule 54 Table).

Where the process weight per hour falls between figures listed in the table, the exact weight of permitted discharge shall be determined by linear interpolation.

For the purposes of this rule "solid particulate matter" includes any material which would become solid particulate matter if cooled to standard conditions.

TABLE 54
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr		Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	40.0
2,500	1.25	4.70	80,000	40.	40.0
3,000	1.50	5.38	90,000	45.	40.0
3,500	1.75	5.96	100,000	40.	40.0
4,000	2.00	6.52	120,000	60.	40.0
5,000	2.50	7.58	140,000	70.	40.0
6,000	3.00	8.56	160,000	80.	40.0
7,000	3.50	9.49	200,000	100.	40.0
8,000	4.00	10.4	1,000,000	500.	40.0
9,000	4.50	11.2	2,000,000	1,000.	40.0
10,000	5.00	12.0	6,000,000	3,000.	40.0
12,000	6.00	13.6			

Interpolation of the data in this Table shall be accomplished by use of the equation:

$$E = 4.10 \text{ PW}$$

where E = rate of emission in lb/hr, not to exceed 40 lb/hr
and P = process weight rate in tons/hr.

(50.2) Rule 55. Sulfur Compounds - Concentration

A person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge: 1000 PPM by volume calculated as sulfur dioxide (SO₂).

(51.19) Rule 55.1. Sulfur Recovery Units

A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

1. 300 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
2. 10 parts per million by volume of hydrogen sulfide.
3. 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

Any sulfur recovery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provision of number (1) above.

(51.18) Rule 55.2. Sulfuric Acid Units

A person shall not discharge into the atmosphere from any sulfuric acid unit, effluent process gas containing more than:

1. 300 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
2. 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

(50.2) Rule 56. Sulfide Emission Standard

- (a) A person shall not discharge total reduced sulfur (TRS), as defined in Rule 1 (dd), into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_s)^2$$

Where H_s is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

Effective January 1, 1973 a person shall not discharge total reduced sulfur (TRS), as defined in Rule 1 (dd), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_s)^2$$

whichever is the more restrictive condition, where H_s is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

- (b) In any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper, the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed one pound of TRS per ton of dry wood charged into the conversion process. Wood materials used exclusively for fuel are not to be considered as charge to the conversion process.

Effective January 1, 1973 the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of dry wood charged into the conversion process.

- (c) It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.
- (d) A person complying with the requirements of Rule 56 (a) and releasing in excess of 100 pounds per day of TRS from a single emission point shall be required to provide, install, maintain and continuously operate a recording instrument at such emission point which will record the concentrations of TRS emissions. At least one such recording instrument shall be installed in the exhaust stacks from kraft recovery furnace flue gas systems at the point of emission to the atmosphere and from kraft pulp mill lime kilns. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.
- (e) Where the Control Officer demonstrates by standardized analytical chemistry procedures that the requirements of Rule 56(c) have been violated on at least three separate occasions within a one-month period, the person causing said violation shall provide, install, maintain and operate a recording instrument, located at ground level, which will monitor the TRS concentration at the property limits. Location of said monitoring instrument is to be approved by the Control Officer.
- (f) Emissions exceeding the limits established by Rule 56(c) shall not constitute a violation provided such emissions, from the emission point to the point of such concentration, are on the property controlled by the person responsible for such emissions.

- (g) A summary of the data obtained under the provisions of Rule 56(b), Rule 56(d), and Rule 56(e), if applicable, shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Air Pollution Control Officer.
- (h) Effective January 1, 1973 a person shall not discharge non-condensibles as defined in Rule 1 (ee), into the atmosphere from any emission point, until said non-condensibles have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensibles from any such air pollution abatement operation shall not exceed a TRS concentration of 60 parts per million by volume for a period or periods aggregating more than 30 minutes in any 24 hour period, or in excess of a total daily weight of 100 pounds of TRS, whichever is the more restrictive condition.

(51.13) Rule 57. Open Fires

No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning automobile bodies, except as otherwise provided in Rule 57.

(2.0) Rule 57.1. Exceptions - Flood Control and Irrigation Ditches

Nothing in Rule 57 shall be construed as limiting the authority granted under other provisions of law:

- (a) To a public official in charge of flood control activities to set or permit fires for the purpose of disposal of material which is lying or growing within natural channels or flood control channels which fires are in the opinion of such official a necessary incident to the clearing and maintenance of water courses and flood control channels for the specific purpose of preventing or eliminating a flood hazard, provided that the Air Pollution Control Officer has given prior approval.
- (b) To a fire official having jurisdiction in the performance of official duty, to set or permit fires necessary to control the growth of vegetation in irrigation ditches and canals. The fire official shall notify the Air Pollution Control Officer in advance of each fire set or permitted by him under this subsection.

(2.0) Rule 57.2. Exceptions - Continued

Nothing in Rule 57 shall be construed as limiting the authority granted under other provisions of law:

- (a) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:
 - 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means;
 - 2. The instruction of public employees in the methods of fighting fire; and
 - 3. Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- (b) To set or cause to be set backfire necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- (c) To abate fires pursuant to Chapter 2 (commencing with Section 13055) of Part 1 of Division 12 of the California Health and Safety Code.
- (d) To use fires only for cooking of food for human beings or for recreational purposes.
- (e) To use fires for disposal of household rubbish originating at single- or two-family dwellings when the burning takes place on the premises.
- (f) To use safety flares for the combustion of waste gases.
- (g) Nothing in Rule 57 shall be construed to prohibit open burning at solid waste disposal sites permitted by the State Air Resources Board, pursuant to Section 39297.4 of the California Health and Safety Code.
- (h) Nothing in Rule 57 shall be construed to prohibit burning for right-of-way clearing by a public entity or utility, or for levy and ditch maintenance.

(51.13) RULE 57.3 - EXCEPTIONS - AGRICULTURAL BURNING

Nothing in Rule 57 shall be construed as limiting the authority granted under other provisions of law:

- (a) To the Sonoma County Agricultural Commissioner to set or permit agricultural fires, in the performance of the official duty of the Sonoma County Agricultural Commissioner, for the purpose of disease and pest prevention.
- (b) To a fire official having jurisdiction, in the performance of official duty, to set or permit fires necessary to the growing and harvesting of crops including timber or the raising of fowls, animals, or bees as a gainful occupation, except as elsewhere noted in this rule, under all conditions 1.) - 7.) of this section.
 - 1. The height of any temperature inversion, as measured at the Oakland Airport by the United States Weather Bureau, at 1200 Greenwich Mean Time, is not less than 2500 ft. mean sea level; or the surface temperature, measured at the site of burning, will, by standard methods of calculation, have caused the inversion to reach 2500 ft. mean sea level or greater.
 - 2. No burning shall be done before 9:00 a.m. Pacific Standard Time.
 - 3. No additional pruning material or ignition fuel shall be ignited nor shall any pruning material or ignition fuel be added to any fire after two hours before sunset.
 - 4. No pruning material or ignition fuel shall be ignited nor shall any pruning material or ignition fuel be added to any fire when the wind velocity is less than five miles per hour.
 - 5. The moisture content of material burned shall not exceed 30 per cent wet basis.
 - 6. Wind direction at the site shall be such that the direction of smoke will be away from populated areas to minimize local nuisance caused by smoke and particulate fallout.
 - 7. No burning shall take place without the permission of the Air Pollution Control Officer.
- (c) To the State Forester, to set or permit fires necessary to maintain and continue the grazing of animals as a gainful occupation, for the purpose of range improvement and grazing, or such other beneficial use as the State Forester may deem warranted. A fire set or permitted under this subsection shall be permitted only upon an application for a permit made in writing to the State Forester no less than 5 days before the proposed burn. The application shall contain the reason for the burn; a description of any prior burns on the same property, with a statement of results; a map sufficiently accurate to show the general location of the property affected and its relationship to adjoining properties; the method that will be followed to ignite, maintain and control the burn; a

description of chemical or mechanical pretreatment of the range land. The State Forester shall notify the Air Pollution Control Officer and all affected fire officials in advance of each fire set or permitted by him under this subsection.

- (d) To the Department of Fish and Game to set or permit fires for the improvement of land for wildlife or game habitat, provided the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the Sonoma County Air Pollution Control Officer. As to burning conducted by the Department of Fish and Game, the department shall on its own behalf issue and file such statements.

(2.0) Rule 57.4. Application

Nothing in this Rule is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

(51.9) Rule 58. Disposal of Solid and Liquid Wastes

- (a) A person shall not burn any combustible refuse in an incinerator except in a multiple-chamber incinerator as described in Rule 1 (cc), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.
- (b) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates greater than 100 pounds per hour, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO₂) at standard conditions. Any carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).
- (c) A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO₂) at standard conditions. Any carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).
- (d) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates of 100 pounds per hour or less, particulate matter in excess of 0.2 grain per cubic foot of gas calculated

to 12 per cent of carbon dioxide (CO₂) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere. Any carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).

(51.9) Rule 60. Reduction of Odorous Matter and 61

A person shall not operate or use any article, machine, equipment, or other contrivance for the reduction of plant or animal matter, unless all gases, vapors and gas-entrained effluents which contain odorous material are:

- (a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or
- (b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.16) Rule 61. Organic Liquid Loading

A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

- (a) An absorber system or condensation system which processes all vapors and recovers at least 90 per cent by weight of the organic vapors and gases from the equipment being controlled.
- (b) A vapor handling system which directs all vapors to a fuel gas system.
- (c) Other equipment of an efficiency equal to or greater than a or b if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(51.16) Rule 62. Storage of Petroleum Products

(51.16) Rule 63. Gasoline Loading Into Tanks

A person shall not install or maintain, for the storage of gasoline, any stationary tank with a capacity of 250 gallons or more, intended to be filled from any tank or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device as described in Rule 62, or is a pressure tank as described in Rule 62.

The provisions of the first paragraph of this rule shall not apply to the loading of gasoline into any tank having a capacity of less than 2,000 gallons which was installed prior to the date of adoption of this rule nor to any underground tank installed prior to the date of adoption of this rule where the fill line between the fill connection and tank is offset.

For the purpose of this rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

For the purpose of this rule, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the tank.

The provisions of this rule do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000, et seq.) of the Vehicle Code.

(50.4) Rule 64. Organic Solvents

- (a) A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which omit organic materials and using operations described in this section shall be collectively subject to compliance with this section.
- (b) A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for

employing or applying, any photochemically reactive solvent, as defined in section (k), or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

- (c) A person shall not, after August 31, 1974, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.
- (d) Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvent, as defined in section (j), of any article, machine, equipment or other contrivance described in sections (a), (b) or (c), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.
- (e) Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b) or (c), shall be reduced by:
 - 1. Incineration, provided that 90 per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Adsorption, or
 3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.
- (f) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- (g) Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- (h) The provisions of this rule shall not apply to:
1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.
 2. The use of equipment for which other requirements are specified by Rules 61, 62 or 63 or which are exempt from air pollution control requirements by said rules.
 3. The spraying or other employment of insecticides, pesticides or herbicides.
 4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.
 5. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d), if:
 - (i) the volatile content of such material consists only of water and organic solvents, and
 - (ii) the organic solvents comprise not more than 20 per cent of said volatile content, and
 - (iii) the volatile content is not photochemically reactive as defined in section (j).
- (i) For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at

standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

- (j) For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 per cent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 per cent;
 2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 per cent;
 3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 per cent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable per cent of the total volume of solvents.

- (k) For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(51.21) Rule 64.1. Architectural Coatings

- (a) A person shall not sell or offer for sale for use in Northern Sonoma County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 64 (j).
- (b) A person shall not employ, apply, evaporate or dry in Northern Sonoma County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 64 (j).
- (c) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 64 (j).

- (d) For the purposes of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(51.21) Rule 64.2. Disposal and Evaporation of Solvents

A person shall not during any one day dispose of a total of more than $1\frac{1}{2}$ gallons of any photochemically reactive solvent, as defined in Rule 64 (j), or of any material containing more than $1\frac{1}{2}$ gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(51.6)
(51.7) Rule 65. Fuel Burning Equipment

A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);
2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);
3. 10 pounds per hour of combustion contaminants as defined in Rule 1 (g) and derived from the fuel.

For the purpose of this rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(51.6) Rule 66. Fuel Burning Equipment - Combustion Contaminants

A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge, 0.1 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO_2) at standard conditions.

(51.1) Rule 67. Orchard and Citrus Heaters

No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage, unless it has been approved by the State Air Resources Board. No person shall use any device for frost damage prevention after January 1, 1975, unless it has been approved by the State Air Resources Board, or does not produce more than one gram per minute of unconsumed solid carbonaceous material. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense. (Pursuant to Section 39298.7, Article 4, Chapter 10, Part 1, Division 26 of the Health and Safety Code.)

(12.0) Rule 68. Emission Control For Used Motor Vehicles

Every 1955 through 1962 model year motor vehicle subject to registration in this State shall be required to be equipped with a device certified by the State Air Resources Board to control the emissions of pollutants from the crankcase at the time of transfer of ownership.

(2.0) Rule 69. Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety code of the State of California, or of Rule 51 of these Rules and Regulations.

REGULATION NO. 5 - HEARINGS

(2.0) Rule 80. General

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Rule 81. Filing Petitions

Requests for hearings shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and the payment of the fee of \$____, provided for in Rule 41 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer at 3313 Chanate Road, Santa Rosa, California 95405, and one copy on the holder of the permit or variance, if any, involved.

Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) Rule 82. Contents of Petitions

Every petition shall state:

- (a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.
- (b) Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and address of the partners if a co-partnership, names and address of the officers, if a corporation, and the names and address of the persons in control, if other entity.
- (c) The type of business or activity involved in the application and the street address at which it is conducted.
- (d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.
- (e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:
 - 1. To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;
 - 2. For a variance under Section 24292, Health and Safety Code;
 - 3. To revoke or modify a variance under Section 24298, Health and Safety Code;
 - 4. To review the denial or conditional granting of an authority to construct, or permit to operate under Rule 22 of these Rules and Regulations.
- (f) Each Petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.
- (g) Petitions for revocation of permits shall allege in addition to the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

- (h) Petitions for reinstatement of suspended permits shall allege in addition to the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.
- (i) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 83. Petitions For Variances

In addition to the matters required by Rule 82 petitions for variances shall state briefly:

- (a) The section, rule or order complained of.
- (b) The facts showing why compliance with the section, rule, or order is unreasonable.
- (c) For what period of time the variance is sought and why.
- (d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.
- (e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.
- (f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.
- (g) Whether or not operations under such variance, if granted, would constitute a nuisance.
- (h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.
- (i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) Rule 84. Appeal From Denial

A petition to review a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent shall, in addition to the matters required by Rule 82, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or condi-

tional approval and the reasons for appeal.

(2.0) Rule 85. Failure To Comply With Rules

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 86. Answers

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 81.

(2.0) Rule 87. Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 88. Place of Hearing

The hearings shall be held at such time and place as may be determined from time to time.

(16.0) Rule 89. Notice of Hearing

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24292 or 24299, Health and Safety Code.

(2.0) Rule 90. Evidence

- (a) Oral evidence shall be taken only on oath or affirmation.
- (b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

- (c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 91. Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Rule 92. Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 93. Continuances

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 94. Decision

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 95. Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing

a copy of the decision, as provided in Rule 81, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 96. Lack of Permit

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

REGULATION NO. 6 - VIOLATIONS AND PENALTIES

(15.0) Rule 100. Penalties For Violations

Penalty actions for non-compliance with, or violation of, any rule of these rules and regulations will be instituted pursuant to the following provisions and further pursuant to the provisions of Chapter 2, Division 20 of the Health and Safety Code of the State of California.

- (a) Every person guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control Officer. (section 24277).
- (b) Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the Air Pollution Control District when his permit so to do has been either suspended or revoked. (Section 24278).
- (c) Every person required by the regulations of the Air Pollution Control Board to obtain a permit so to do who, without first obtaining such permit, builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor. (Section 24279).
- (d) Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these rules and regulations. (Section 24280).
- (e) Every person violating any order, rule, or regulation of an Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense. (Section 24281).

(15.0) Rule 101. Civil Penalties

- (a) Pursuant to Section 24252 of the Health and Safety Code of the State of California, any violation of any order, rule or regulation of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California.
- (b) Section 39260 Health and Safety Code. Violation of abatement order; civil penalty.

Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5, or by the State Air Resources Board pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000.00) for each day in which such violation occurs.

An order of abatement may be issued under the following circumstances:

Section 24260.5 Health and Safety Code. Authority to issue order for abatement; grounds; hearing.

The air pollution control board may, after notice and hearing issue, or provide for the issuance by the hearing board, after notice and a hearing of, an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

- (c) Section 39261 Health and Safety Code. Violation of Sections 24242, 24243, or rule or regulation; civil penalty.

Section 39261 Health and Safety Code. Violation of Sections 24242, 24243, or rule or regulation; civil penalty.

Any person who intentionally or negligently violates Section 24242, 24243, or any rule or regulation of a county air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500.00) for each day in which such violation occurs.

Such violations follow:

Section 24242 Health and Safety Code. Discharge of air contaminant; prohibition.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section.

Section 24243 Health and Safety Code. Discharge of injurious or annoying material; prohibition.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(d) Section 39262 Health and Safety Code. Action for Civil penalties.

The civil penalties prescribed by Sections 39260 and 39261 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney of any type of air pollution control district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

REGULATION NO. 7

(8.0) Rule 102. Episode Procedures

This regulation is designed to prevent the excessive buildup of air contaminants during air pollution episodes and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. Past history indicates that the possibility of such a catastrophe is extremely remote.

The Air Pollution Control Board deems it desirable to have ready an adequate plan to prevent such an occurrence, and in case of the happening of this unforeseen event, to provide for adequate actions to protect the health of the citizens in the Air Pollution Control District.

In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer shall take immediate action in curtailing those emissions known to be contributing to a possible catastrophic air pollution situation.

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